



FREMONT PLANNING BOARD

April 7, 2010

Meeting Minutes

Approved April 21, 2010

Present: Chairman Roger Barham, Selectman Brett Hunter, Members John (Jack) Downing, Derek Downing, Alt./ Building Official Thom Roy, and Land Use AA/Recording Secretary Meredith Bolduc.

Also present: Andy Kohlhofer

Mr. Barham opened the meeting at 7:10 pm.

MINUTES

The minutes of the March 24, 2010 meeting were not addressed as there were not enough members present who were at that meeting. They will be addresses at the next meeting.

RULES OF PROCEDURE

The Board continued their review of the Rules of Procedure document that included the changes agreed upon at the March 24, 2010 meeting.

Mr. J. Downing made the motion to accept and approve the following amendments to the Planning Board Rules of Procedure. (~~deleted~~; *add new*):

Members and Alternates

Renumber section 3 to 2 with no verbiage change.

Renumber section 2-to 3 and amend as shown below.

3. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**. (~~Vacancies in the membership of a local land use board occurring other than through the expiration of a term of office shall be filled by the original appointing or designating authority, for the unexpired term~~).

4. ~~Vacancies in the membership of the Fremont Planning Board occurring other than through the expiration of a term of office shall be fill by the original appointing or designation authority, for the unexpired term as required by~~ **RSA 673:12.**

RSA 673:12, III: *The chairperson of the Planning Board may designate an alternate member of the board to fill the vacancy temporarily until the vacancy is filled in the manner set forth in* **RSA 673:12, I and II.** *If the vacancy is for an ex officio member, the chairperson may only designate the person who has been appointed to serve as the alternate for the ex officio member.*

Officers

1. Chairman: The Chairman shall be elected annually by a majority vote of the Board in the month of ~~January~~ *April*.

2. Vice-Chairman: The Vice-Chairman shall be elected annually by a majority vote of the Board in the month of ~~January~~ April.

Meetings

1. Regular meetings shall be held at least monthly in the basement meeting room of the Fremont Town Hall. (Meetings are ~~currently~~ typically held at 7:00 pm on the first, third and fourth Wednesday of each month, *but are subject to rescheduling*)

5. Member Replacement: ~~The alternate should continue until the matter is completed; the regular member does not vote on that matter.~~

6. Disqualification: ~~The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.~~

Decisions

4. Notice of decision will be made available for public inspection during regular business hours at the Selectmen's Office and the Land Use Office of the Fremont Town Hall ~~within one hundred and forty four (144) hours after the decision is made,~~ as required in **RSA 676:3**.

Records:

2. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection ~~not more than one hundred and forty four (144) hours after the public meeting~~ as required in **RSA 91-A: 2, II**.

The motion was seconded by Mr. D. Downing with unanimous favorable vote.

RPC PENDING PROJECTS

Mr. Groth reported on the timeline of the projects pending with the Rockingham Planning Commission.

CTAP PHASE 1

- Buildout Analysis: Rob Pruyne has submitted the final draft report of the Buildout Analysis. If there are no further comments, the report can be finalized. With the finalization of this report the Housing Chapter of the Master Plan can be updated.
- The Housing Chapter of the Master Plan: Mr. Groth said that he will be doing the Housing Chapter update and that he would have a final draft ready by May 5, 2010.
- The Open Space Plan; Mr. Groth said that Julie LaBranche has received more corrections and clarifications from the Conservation Commission and will finish the Open Space report.

TARGETED BLOCK GRANT (TBG)

- Water Resource Management Plan: Final draft April 30, 2010.
- Public Utilities Master Plan Chapter: First draft by May 30 and final draft by June 30, 2010.
- Public Utilities GIS: First draft by May 30 and final draft by June 30, 2010.
- CIP – no timeline submitted

CTAP PHASE II- DARK SKIES; FUTURE LAND USE; MASTER PLAN AUDIT

- Dark Skies Ordinance: First draft by the end of May; Planning Board review by the end of June; final draft by July 31, 2010.
- Master Plan Audit: First draft and review by the end of June; final draft by July 31, 2010.
- Future Land Use – Master Plan Chapter: First draft by June 30, 2010; final draft by July 31, 2010.

CAPITAL IMPROVEMENTS PROGRAM (CIP) PROCESS

It was noted that on December 30, 2009, as part of the 2010 Targeted Block Grant (TGB) (completion date

of June 30, 2010), the Board contracted with RPC to work with the Planning Board, department heads and the office of Selectmen to establish a defined annual update process for the Capital Improvements Program. This included the preparation and submittal of materials as well as establishing protocols and submission deadlines that will streamline the annual update process. RPC is to provide one (1) final copy of all elements of the CIP annual update process.

At tonight's meeting Mr. Groth submitted an outline of the five basic steps that area involved in the CIP process.

1. Solicitation to all department heads and board chairs of capital projects over a future horizon of at least six years.
2. Review of the department heads responses.
3. Preparation of the proposed CIP by the Planning Board.
4. Planning Board to present the CIP draft to the Selectmen and Budget Committee
5. Present the final CIP to the public at a public hearing called by the Planning Board.

There was a discussion relative to the roll of the Planning Board with the CIP. Mr. Barham said he feels there may be a disconnect between the Planning Board having created the CIP and what it means to the Town. The Board gathers the merits and the business case for the projects and makes recommendations. It is then up to the Board of Selectmen and the Budget Committee as to which projects merited moving forward and where the funding will come from. The worksheet provides a place for the departments to project where funding will come from for their requested projects. Mr. Barham said that he thinks that funding is not a matter for the Planning Board to consider.

Mr. Kolhofer offered that it is important to increase the assessed value of the Town and he thinks anything that the Planning Board puts forward that will achieve this will be looked at favorably.

PSNH - Public Hearing

NORTH ROAD – A Designated Scenic Road

Present: PSNH Arborists David Crane and Bea Hebert, Road Agent Mark Pitkin, Jason Schreiber

Mr. Barham opened this Public Hearing at 7:30 pm and read the public notice which was as follows:

In accordance with NH RSA 231:157-158 and RSA 231:159-189 you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday April 7, 2010 at 7:30 p.m. at the Fremont Town Hall, Basement Land Use meeting room, relative to a proposal from Public Service of New Hampshire for trimming and removal of trees along North Road, which has been designated a scenic road by the Town of Fremont.

You are invited to attend in person or by counsel or agent.

Mr. Barham stated that this Public Hearing was posted on March 24, 2010 at the Fremont Post Office, Fremont Town Hall and published in the March 26, and 30, 2010 editions of the Manchester Union Leader Newspaper.

Arborist David Crane stated that PSNH is planning to trim and remove trees and brush adjacent to all of its power lines within the Town. PSNH specifications call for removal of brush and limbs less than four inches in diameter which are located within eight feet to the side of, ten feet below or fifteen feet above conductors. Larger trees or limbs which present a threat to PSNH lines or other equipment because of decay or other defect will be removed on a case by case basis. All work is

performed in accordance with accepted arboricultural standards.

Mr. Crane stated that PSNH needs to trim and/or remove some trees along North Road, a designated Scenic Road. Mr. Crane said that PSNH has contracted with Asplundh Tree Expert Company to perform the actual trimming of trees. PSNH requires that the contractor contact each landowner where trees are to be trimmed prior to commencement of work on that property and that most of the residents who have trees on their frontage have been contacted. He stated that as a result of the recent storms and power outages there has been little or no opposition from landowners to trimming or removing potentially hazardous limbs or trees.

Mr. Pitkin asked Mr. Crane if PSNH has gone over the trees that he has recently marked and Mr. Crane answered that he believes they have. He added that PSNH and Asplundh are willing to work with the Town in any way they can. There was conversation specifically about a large maple at 4 Martin Road. Mr. Crane said the he will have his contact from the company look at the tree. Mr. Pitkin offered his help if PSNH has a disposal problem.

After some discussion by the Board, Mr. D. Downing made the motion that, based on the information presented, the Planning Board approve the request of Public Service of New Hampshire to allow trimming and/or removal of trees along North Road, which has been designated a scenic road by the Town of Fremont pursuant to RSA 231:158.

Motion seconded by Mr. J. Downing with unanimous favorable vote.

At 7:45 pm Mr. J. Downing made the motion to close the Public Hearing.

Motion seconded by Mr. D. Downing with unanimous favorable vote.

OPEN SPACE PLAN

Mr. Groth said he spoke with Ms. LaBranche who related to him that she received more information and corrections to the Open Space report from the Conservation. Open Space Task Force has completed their review of the Open Space Plan report draft and all corrections are made, it will be sent to the Planning Board for final review and acceptance.

WATER RESOURCE MANAGEMENT PLAN – NRI Section of the Master Plan

Mr. Barham said that the draft of the Water Resource Management Plan was received today from Glen Greenwood at RPC and has been forwarded electronically to all Members. This will be on the April 21, 2010 agenda for review prior to sending it on to Public Hearing for inclusion in the Natural Resources Chapter of the Master Plan.

ZONING ORDINANCES

Mr. Groth distributed some sample ordinances relative to adult uses that some other Towns have in place. The Brentwood ordinance was drafted by an attorney, definitions are found in the general definition section and the rest of the language is fairly straight forward. The Hooksett ordinance is 3 ½ pages and most of it is definitions. The North Hampton ordinance is extensive and explicit. The Members agreed to review the ordinances at their leisure and discuss them at the next meeting.

REGULATIONS AMENDMENTS

The Board received and reviewed a revised cost estimate from Town Engineer Dan Tatem for him to draft updates to the Site Plan Review and Subdivision Regulations (as a job lot).

Mrs. Bolduc stated that she spoke with Mr. Tatem about the Internal Review charge that was part of his estimate. Mr. Tatem explained to her that Stantec always requires someone other than the person doing the work to review the work for any discrepancies or mistakes. This check is called an Internal Review, takes minimal time and is something that they have found to be important and valuable.

Mr. J. Downing made the motion to accept Mr. Tatem's revised engineering fee estimate of \$2,000 submitted for his services relative to revisions to the Site Plan and Subdivision Regulations; to authorize the Engineering fee of \$2,000 to be paid from the professional services line of the current budget; and to authorize Mr. Tatem to begin the agreed regulation revisions.

Motion seconded by Mr. D. Downing with unanimous favorable vote.

Stumps: Mr. Groth submitted copies of the DES Environmental Fact Sheet relative to stump and brush management.

SITE PLAN REVIEW SUBCOMMITTEE

The newly formed Site Plan Review Sub-Committee has met several times and are scheduled to meet again on April 12, 2010 to continue to work on modifying the SPR process so that it will be less cumbersome for applicants who are seeking a permit for a minor commercial operation.

KENNISTON WAY

The Board received the following relative to the release of the 2-year road bond for Kenniston Way. This road was accepted in March of 2008.

- A copy of a March 26, 2010 correspondence to the Town from Glen Hutchins requesting the Town release the 2-year maintenance bond for Kenniston Way. There was a handwritten note from Road Agent Mark Pitkin added to this correspondence stating that he has inspected the road and is satisfied with the road.
- An April 2010 correspondence from Town Administrator Heidi Carlson relating that the former Road Agent has inspected the roadway and the newly elected Road Agent has done the follow-up inspection to confirm all was complete and satisfactory.

Mr. J. Downing made the motion that, based on the recommendation of Road Agent Mark Pitkin, the Planning Board recommend to the Selectmen the release of the 2- year maintenance bond for Kenniston Way.

Motion seconded by Mr. D. Downing with unanimous favorable vote.

ZONING ORDINANCE IX SECTION C2D

Mr. Roy reported that in answer to a question at the last meeting, Town Counsel has advised that as per Zoning Ordinance IX Section C2d, the Planning Board has the authority to modify the setback distance requirement of an already approved and recorded subdivision plan, relative to slopes greater than 12%; and that it would be treated as an amendment to the plan.

JOHN GALLOWAY

Map 5 Lot 035

Shirkin Road

The Board received an excavation permit renewal application for 2010 from John Galloway. His permit expires on July 1, 2010. Mr. Galloway did a benchmark in 2008 in lieu of test pits. It was agreed that Mr. Karcz and Mr. Downing will visit the site at their convenience and report back to the Board.

ALBERT WITHAM

Map 3 Lot 001

Countryside Estates

The Board has received a copy of an April 7, 2010 Notice of Violation from Fremont Building Official/Code Enforcement Officer Thom Roy to Albert Witham for a commercial operation conducted at Christopher Lane that is in non-compliance with the approved manufactured housing park plan.

INCOMING CORRESPONDENCES

Received: A March 15, 2010 correspondence from RPC Executive Director Cliff Sinnott relative to the need for a Commissioner to the Rockingham Planning Commission to represent the Town of Fremont.

Meeting schedule: The Summer meeting schedule was discussed and agreed as follows:

May: 7 & 19

June: 2, 16 & 30

July: 14 & 28

August: 11 & 25

Mr. Hunter made the motion to adjourn at 8:35 pm.

Motion seconded by Mr. J. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

ACTION ITEMS

From the March 3, 2010 meeting:

- Mr. Groth will talk with Glen Greenwood about a timeline and who at RPC should meet with the Board relative to the CIP and report back to the Board with the answer. **Completed.**
- Mr. Groth will forward some models of zoning ordinances relative to “adult entertainment” and to “nuisance” for the Board’s review. **Completed.**
- Mr. Groth will look into how other Towns deal with designation of where and how far above the water table stumps are to be buried and whether to require test holes to be dug to determine seasonal high water table. **Completed.**

From the March 17, 2010 meeting:

- Mr. Barham to draft a table on the CIP process for the Members to review.

PROJECTS PENDING WITH RPC

- CTAP DOT Build-out- funded with CTAP Phase I Funds = **\$10,000**; original completion date of October 28, 2009; moved to end of 2009 – near completion to date.
- Housing Chapter of the Master Plan - funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of December 2008, moved to September 23, 2009; then November 18, 2009; then December 31, 2009. New completion date of May 5, 2010.
- Inclusionary Housing Zoning Ordinance – funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of May 19, 2009; moved to November 4, 2009. Complete.
- Open Space Plan - funded with CTAP Funds = **\$10,000**; original completion date of May 19, 2009; moved to a tentative completion date of September 16, 2009; final presentation February 24, 2010.
- CTAP Road Map = January 13, 2010- Complete.
- Water Resource portion of the NRI Chapter of the Master Plan – funded with the Targeted Block Grant (TGB) and the Towns share (**\$2,000**) has been paid; original completion date of June 30, 2009; final draft August 5, 2009 – moved to August 31, 2009; then to November 4, 2009, then to end of 2009. Still pending.
- Dark Skies Ordinance - Funded with CTAP Phase II funds = **\$1,750**; completion date of August 1, 2010.
- Future Land Use MP Chapter Update- Funded with CTAP Phase II funds = **\$2,000**; completion date of August 1, 2010.
- Master Plan Audit - Funded with CTAP Phase II funds = **\$3,500**; completion date of August 1, 2010.
- Public Utilities Chapter of the MP update – Funded with the 2010 Targeted Block Grant; (TGB) completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- GIS Maps for Public Utilities Chapter of the MP - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.

Updated project timeline table below.

2009 – 2010 Rockingham Planning Projects – CTAP and Non-CTAP

CTAP Phase I

Projects CTAP Phase I	Status	2008 Dec	2009 19 May	2009 28 Oct	2009 04 Nov	2010 13 Jan	2010 17 Feb	2010 24 Feb	2010 5 May
Build Out	Pending Final product			Original Comple tion date			Final Presenta tion		
Housing MP	Pending	Projected Completion date							New Completion Date
Inclusionary Ordinance	Complete				Complete				
Open Space Plan	Pending Final		Original completion				Final Present		

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	product	date	ation
CTAP Road Map	Complete		Complete

CTAP Phase II

Projects CTAP Phase II	Status	2010 1 Aug
Dark Skies Ordinance	Pending	Projected Completion date
Future Land Use MP Chapter	Pending	Projected Completion date
Master Plan Audit	Pending	Projected Completion date

NON-CTAP

Projects Non-CTAP	Status	2009 30 June	2010 30 April	2010 30 June
WRMPP (2009 TBG)	Pending	Original Completion date	Completion date	
Public Utilities - MP (2010 TBG)	Pending			Completion Date
GIS Maps for Public Utilities – MP (2010 TBG)	Pending			Completion Date
CIP Process Submittal Materials 1 final copy of updated MP, CIP elements	Pending			Completion Date